

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOHN P. SANCHEZ	§	
VS.	§	CIVIL ACTION NO. 1:15-CV-210
JOHN WOMBLE, <i>et al.</i> ,	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, John P. Sanchez, a federal prisoner currently confined at USP Beaumont, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants John Womble and Surapaneni Prasad.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the civil rights complaint be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge.¹ This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court finds plaintiff's objections lacking in merit. Plaintiff has yet to file an application to proceed *in forma pauperis* accompanied with a statement certified by an authorized BOP official showing the average balance in and deposits to plaintiff's inmate trust account. Plaintiff has also failed to pay the filing fee in this action.

¹Plaintiff filed three letters which this Court construes as objections to the Report and Recommendation (docket entry nos. 5-7). Contrary to plaintiff's assertion, this case was not severed from another action. Regardless, plaintiff is still required to file an application to proceed *in forma pauperis* accompanied with the required documents or pay the full filing fee.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **3** day of **November, 2015**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge